

(in parentheses) are: Field travel and related expenses, \$17,000 (\$13,000), general insurance, \$6,800 (\$6,400), social security and hospital insurance taxes, \$9,286 (\$8,129), audit, \$8,900 (\$8,700), group life, retirement, and medical, \$45,861 (\$44,370), office salaries, \$41,740 (\$40,740), office rent, \$27,168 (\$26,419), office supplies and miscellaneous, \$20,000 (\$15,000), postage, \$7,000 (\$5,000), furniture, fixtures, and automobiles, \$25,000 (\$5,000), domestic market research and development, \$998,000 (\$953,000), walnut production research, \$718,420 (\$718,302), crop estimate, \$67,000 (\$60,000), and \$30,000 for the reserve for contingencies, for which no funding was recommended last year. Items which have decreased compared to the amount budgeted for 1994-95 (in parentheses) are: Administrative salaries, \$99,000 (\$101,712), and production research director, \$34,000 (\$40,000). All other items are budgeted at last year's amounts.

The Board also unanimously recommended an assessment rate of \$0.0116 per kernelweight pound of merchantable walnuts certified, \$0.0005 more than the previous year. This rate, when applied to anticipated shipments of 1,980,000 kernelweight pounds of merchantable walnuts, will yield \$2,296,800 in assessment income, which will be adequate to cover budgeted expenses. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective

date of this action until 30 days after publication in the Federal Register because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis, (2) the marketing year began on August 1, 1995, and the marketing order requires that the rate of assessment for the marketing year apply to all assessable walnuts handled during the marketing year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

#### **PART 984—WALNUTS GROWN IN CALIFORNIA**

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. A new § 984.346 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

#### **§ 984.346 Expenses and assessment rate.**

Expenses of \$2,280,175 by the Walnut Marketing Board are authorized, and an assessment rate of \$0.0116 per kernelweight pound of merchantable walnuts is established for the marketing year ending July 31, 1996. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

Dated: October 23, 1995.

Sharon Bomer Lauritsen,  
*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95-26791 Filed 10-27-95; 8:45 am]

**BILLING CODE 3410-02-P**

#### **7 CFR Part 1099**

**[DA-95-27]**

#### **Milk in the Paducah, Kentucky, Marketing Area; Termination of Certain Provisions of the Order**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule terminates all but certain administrative provisions of the Paducah, Kentucky, Federal milk marketing order, effective upon publication in the Federal Register. The remaining provisions will be terminated at a later date. The termination is necessary because the terms and provisions of the order do not effectuate the declared policy of the Act.

**EFFECTIVE DATE:** November 1, 1995.

#### **FOR FURTHER INFORMATION CONTACT:**

Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932.

#### **SUPPLEMENTARY INFORMATION:**

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. The dairy farmers and regulated handlers that were subject to the Paducah, Kentucky, order are now subject to comparable regulatory provisions of the order regulating the handling of milk in the adjacent Southeast marketing area. Accordingly, the Paducah order is no longer needed.

The Department is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the

Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

#### Statement of Consideration

This rule terminates all but certain administrative provisions of the Paducah, Kentucky, Federal milk marketing, order (Order 99), effective upon publication in the Federal Register.

There currently are no handlers regulated under the Paducah, Kentucky, order. Turner Dairies, the one handler that was regulated under Order 99, recently became regulated under the Southeast order because of its sales into that marketing area. Producers who ship their milk to Turner's Fulton, Kentucky, plant now have their milk pooled under the adjacent Southeast Federal milk order.

Since there are no plants left under the Paducah, Kentucky, order, the order should be terminated because the terms and provisions of the order no longer effectuate the declared policy of the Act.

For good cause shown, this rule shall be effective on publication. Neither a comment period nor a 30-day effective date is provided since no interested party will be affected by this rule.

#### List of Subjects in 7 CFR Part 1099

Milk marketing orders.  
Order

It is therefore ordered, That the terms and provisions of the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area (7 CFR Part 1099), except § 1099.1, which incorporates the General Provisions in Part 1000, are hereby terminated, effective upon publication in the Federal Register.

#### **PART 1099—MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA**

1. The authority citation for 7 CFR Part 1099 continues to read as follows:

Authority: 7 U.S.C. 601–674.

#### **§§ 1099.2 through 1099.86 [Removed]**

2. Sections 1099.2 through 1099.86 are removed, effective upon publication in the Federal Register.

Dated: October 23, 1995.

Shirley R. Watkins,

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95–26792 Filed 10–27–95; 8:45 am]

BILLING CODE 3410–02–P

#### **Animal and Plant Health Inspection Service**

#### **9 CFR Part 92**

[Docket No. 91–071–2]

#### **Importation of Hedgehogs and Tenrecs**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the animal importation regulations to prohibit the importation of hedgehogs and tenrecs into the United States from countries affected by foot-and-mouth disease. Additionally, we are imposing certain restrictions on the importation of hedgehogs and tenrecs into the United States from countries declared free of foot-and-mouth disease. These actions are necessary to prevent the introduction of foot-and-mouth disease and other communicable animal diseases into the United States.

**EFFECTIVE DATE:** November 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. Keith Hand, Senior Staff Veterinarian, Import-Export Animals, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1228, (301) 734–5097.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The animal importation regulations in 9 CFR part 92 (referred to below as the regulations) prohibit or restrict the importation of certain animals and birds into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart G of part 92 prohibits the importation of brushtail possums and hedgehogs from New Zealand.

On May 9, 1995, we published in the Federal Register (60 FR 24580–24584, Docket No. 91–071–1) a proposal to amend the regulations to prohibit the importation of hedgehogs and tenrecs into the United States from countries where foot-and-mouth disease (FMD) exists and to require that hedgehogs and tenrecs from countries declared free of FMD be inspected and treated for ectoparasites in the country of origin and that they be inspected upon arrival in the United States.

We solicited comments concerning our proposal for 60 days ending July 10,

1995. We received one comment by that date. The comment is discussed below.

**Comment:** The prohibition on the importation of hedgehogs and tenrecs from countries where FMD exists should be expanded to include hedgehogs and tenrecs from all countries, not just countries with FMD. Imported hedgehogs or tenrecs may carry diseases that are contagious to humans, such as bovine tuberculosis and salmonellosis. They can pass on fleas, ticks, mange, and, in the case of hedgehogs, five different intestinal worms to humans. Also, there is no United States Department of Agriculture (USDA) certified vaccine against rabies for hedgehogs and tenrecs. Because there is no documentation that exists proving hedgehogs and tenrecs cannot carry and transmit rabies, there is a risk that they may pass the rabies virus on to humans.

There are also problems associated with importing and keeping wild animals, such as hedgehogs and tenrecs, as pets. Inadequate feeding and watering during transportation often causes fatalities in imported animals, and the stress associated with capture and transportation causes susceptibility to disease and illness. In the wild, hedgehogs and tenrecs are solitary insectivores that travel up to a mile per day. However, during importation, hedgehogs and tenrecs are often transported with other hedgehogs or tenrecs in close proximity and are fed cat and dog food. In addition, when owners do not properly maintain these animals in a home environment, the animals can become a hazard to human health, other animals, and the environment.

**Response:** The Animal and Plant Health Inspection Service (APHIS) restricts the importation of certain animals into the United States to prevent the introduction and dissemination of communicable diseases of animals. Published research obtained by APHIS indicates that certain animals of the order Insectivora, including the family Erinaceidae (hedgehogs), may harbor the FMD virus. (Copies of this research may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**) Animals of the family Tenrecidae (tenrecs), often referred to as the Madagascar hedgehog, are similar to hedgehogs in appearance and behavior and may also be capable of harboring the FMD virus and transmitting it to other animals. Therefore, this rule amends part 92 to prohibit the importation of hedgehogs and tenrecs into the United States from countries where FMD exists to prevent the